

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division**

**UNITED STATES DEPARTMENT OF
HOMELAND SECURITY, IMMIGRATION
AND CUSTOMS ENFORCEMENT, and
HOMELAND SECURITY INVESTIGATIONS,**

Petitioners,

v.

Civil Action No.:_____

INTERMEX WIRE TRANSFER, LLC.,

Respondent.

PETITION TO ENFORCE ADMINISTRATIVE SUBPOENA

Petitioners, the United States Department of Homeland Security (“DHS”), U.S. Immigration and Customs Enforcement (“ICE”), Homeland Security Investigations (“HSI”), by counsel, seek an order from this Court to enforce a subpoena to Intermex Wire Transfer, LLC (“Intermex”), in support of an ongoing investigation into human trafficking. In support of the Petition, HSI states the following:

1. HSI Special Agents are immigration officers under 8 C.F.R § 1.2 and 8 U.S.C. § 1101(18), empowered with the law enforcement authority set forth at 8 U.S.C. § 1357.
2. HSI is conducting a human smuggling/trafficking investigation. Ex. 1:Wiley Declaration.
3. Intermex is a Florida-based company which provides electronic money remittance services. See <https://intermexonline.com>; Ex. 1: Decl. Intermex offers money transfers, telewires, cash direct, and money orders to customers in Africa and Latin America. *Id.*

4. As a part of the HSI human smuggling/trafficking investigation, HSI issued an administrative subpoena to Intermex, under the authority of 8 U.S.C. § 1225(d)(4)(A). Ex. 1A: Subpoena.¹ The subpoena was served on December 8, 2023. *Id.*

5. As part of its investigative process, HSI identified several individuals related to its human smuggling/ trafficking investigation that are believed to have transacted through Intermex. Ex. 1: Decl. HSI is aware that payments made to human smuggling/trafficking organizations are often paid for through money remittance companies, like Intermex, and responsive records to an administrative subpoena, such as the one at issue, can uncover a trafficking network through a record of the potential use of illicit funds. *Id.*

6. The subpoena requested the production of records on or before December 12, 2023. *Id.* Intermex did not comply with the subpoena. *Id.*; see Ex. 2: Emails.

7. On December 14, Intermex responded to HSI via email and stated that the company's position to answer administrative subpoenas had changed, and that in order to comply with the subpoena they would now need an order from the U.S. District Court compelling them to comply with the subpoena. Ex. 2: Emails, at 4.

8. The December 14 email stated that Intermex would gather the requested information so that they could provide a faster response, once they received the United States District Court Order. *Id.*

9. On December 15, 2023, Ursula Simmons, counsel for HSI, replied to the December 14 email, explaining the authority under which HSI issued the subpoena, and urging compliance. *Id.*, at 3-4.

¹ The rider to the subpoena states the names of the individuals being investigated and has therefore not been provided in order to protect the ongoing investigation.

10. On December 20, Intermex requested some time to reconsider their position and “explore the possibility of complying with the subpoena.” *Id.*, at 1.

11. To date, Intermex has not complied with the subpoena. Ex. 1: Decl.

12. Pursuant to 8 U.S.C. §1225(d)(4)(A), “. . . any immigration officer shall have the power to request by subpoena . . . the production of books, papers, and documents relating to the privilege of any person to enter, reenter, reside in, or pass through the United States or concerning any matter which is material and relevant to the enforcement of this chapter . . .” HSI Special Agents are immigration officers under 8 C.F.R § 1.2 and 8 U.S.C. § 1101(18), empowered with the law enforcement authority set forth at 8 U.S.C. § 1357, and therefore have the authority to issue the attached subpoena. *See* Ex. 1A: Subpoena.

13. Under 8 U.S.C. §1225(d)(4)(B), any United States District Court, within the jurisdiction where investigations are being conducted by an immigration officer, may, in the event of refusal to respond to a subpoena, “issue an order requiring such persons to appear before an immigration officer, produce books, papers, and documents if demanded, and testify, and any failure to obey such order of the court may be punished by the court as a contempt thereof.”

14. Special Agent Michael Wiley, who is investigating this case and issued the subpoena on behalf of HSI, is in the Norfolk, Virginia office. *See* Ex. 1. Therefore EDVA-Norfolk has jurisdiction to enforce this subpoena. *See* 8 U.S.C. §1225(d)(4)(B).

Therefore, HSI respectfully petitions this Court to order Intermex Wire Transfer, LLC, to comply with the December 8, 2023 subpoena.

Respectfully submitted,

UNITED STATES OF AMERICA

JESSICA D. ABER
United States Attorney

By: /s/ Virginia Van Valkenburg
Virginia VanValkenburg, VSB No. 33258
Assistant United States Attorney
Office of the United States Attorney
101 West Main Street, Suite 8000
Norfolk, Virginia 23510-1671
Telephone: 757.441.6331
Facsimile: 757.441.6689
Email: VirginiaVanValkenburg@usdoj.gov
Counsel for Petitioners

OF COUNSEL:

Ursula Simmons
Assistant Chief Counsel
Office of the Principal Legal Advisor, Washington, D.C.
U.S. Immigration and Customs Enforcement
U.S. Department of Homeland Security
7619 Little River Turnpike, Suite 900
Annandale, Virginia 22003
Telephone: 703.962.2817
Email: Ursula.N.Simmons@ice.dhs.gov

CERTIFICATE OF SERVICE

I hereby certify that on the 4th day of April 2024, I served the foregoing document by United States first class mail, postage prepaid, and courtesy copy by email, to the following:

Ernesto Luciano, Esq.
General Counsel/ Chief Legal Officer
Intermex Wire Transfer, LLC.
9480 South Dixie Highway
Miami, Florida 33156
Telephone: 305.671.8000 x1443
Email: eluciano@intermexusa.com
Counsel for Respondent

/s/ Virginia Van Valkenburg

Virginia VanValkenburg, VSB No. 33258
Assistant United States Attorney
Office of the United States Attorney
101 West Main Street, Suite 8000
Norfolk, Virginia 23510-1671
Telephone: 757.441.6331
Facsimile: 757.441.6689
Email: virginia.vanvalkenburg@usdoj.gov
Counsel for Petitioners